



REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/687,384

Filing Date: October 13, 2000

First Named Inventor: T.G. Dinan et al.

Group Art Unit: 1614

Examiner: D. Jagoe

Attorney Docket Number: 08680-0013

Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114:

a.  Previously submitted

- Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
- Consider the arguments in the Appeal Brief of Reply Brief previously filed on \_\_\_\_\_.
- Other \_\_\_\_\_

b.  Enclosed:

- Amendment/Reply
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement
- Other \_\_\_\_\_

2. Miscellaneous

a.  Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.10(c) for a period of months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required)

b.  Other \_\_\_\_\_

3. Fees

a.  The filing fee is calculated as follows:

i. <input checked="" type="checkbox"/>	\$750.00 RCE fee required under 37 C.F.R. § 1.17(e)	04/14/2003 CV0111	00000060 09687384
ii. <input type="checkbox"/>	Petition for extension of time for (____ Month) \$ _____	01 FC:1801	750.00 0P
iii. <input type="checkbox"/>	Other _____		

b.  Check in the amount of \$750.00 enclosed.

c.  The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Sean C. Myers-Payne

Reg. No.: 42,920

Signature:

*Sean Myers Payne*

Date: April 10, 2003

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, BOX RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name:

Signature:

Date:

RECEIVED  
APR 15 2003  
TECH CENTER 1600/2900  
#11  
JGP  
8/5/03

Match & Return



22852  
PATENT TRADEMARK OFFICE

RECEIVED

APR 15 2003

TECH CENTER 2000  
PATENT  
Attorney Docket No. 0868029003

#18/C  
JRP  
8/5/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
T.G. Dinan et al. ) Prior Group Art Unit: 1614  
Application No.: 09/687,384 ) Prior Examiner: D. Jagoe  
Filed: October 13, 2000 )  
For: TREATMENT AND PREVENTION )  
OF GASTROINTESTINAL )  
DISEASE USING ANTAGONISTS )  
OR PARTIAL AGONISTS OF )  
5HT1a RECEPTORS )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

Prior to examination, please make the following amendments:

**IN THE CLAIMS:**

Please cancel claim 3 without prejudice or disclaimer and amend the claims as shown in the attached appendix, to appear as follows upon entry of the amendment:

1. (ONCE AMENDED) A method for preventing or treating gastrointestinal disease comprising administering an effective amount of S (-) pindolol, or a salt thereof, to a subject in need thereof.

*C*  
FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com